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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of: **HAYASHI, et al.**

Group Art Unit: 2813

Serial No.: **09/955,600**

Examiner: Tuan H. Nguyen

Filed: **September 19, 2001**

Confirmation No.: **1668**

For: **SEMICONDUCTOR DEVICE AND METHOD OF FABRICATING
THE SAME AND METHOD OF FORMING NITRIDE BASED
SEMICONDUCTOR LAYER**

Attorney Docket Number: **990852A**

Customer Number: **38834**

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

September 3, 2004

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated March 5, 2004 of the Primary Examiner.

The item(s) checked below are appropriate:

1. ☒ [XX] A petition for a three month extension of time to respond to the Final Rejection is filed herewith.
2. ☒ [XX] A timely response to the Final Rejection has been filed, as provided in 37 C.F.R. 1.113.
3. ☒ [XX] Fee -\$330.00 or ☐ [] Small Entity -\$165.00

- ☐ [] Enclosed
- ☐ [] Not required (fee paid in prior appeal)
- ☐ [] Charge to Deposit Account No. 50-2866

09/07/2004 SDENR0B1 00000050 09955600

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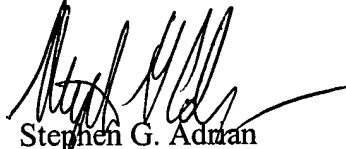
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Notice of Appeal
Serial No. 09/955,600
Attorney Docket No. 990852A

In the event this Notice of Appeal is not considered to be timely filed, Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 50-2866, along with any other additional fees which may be required with respect to this Notice.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Stephen G. Adrian", with a long horizontal flourish extending to the right.

Stephen G. Adrian

Attorney for Applicant

Registration No. 32,878

Telephone: (202) 822-1100

Facsimile: (202) 822-1111

SGA/arf